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FEB 23 2007

Application No.: 10/733,129

Docket No.: MAVERICK 3.0-004  
CONT CONT CONTREMARKS

The present communication is filed in response to the Official Action mailed October 6, 2006, rejecting all the claims presently pending in the application ("Official Action".) Claims 1-8 and 10-19 remain pending in the application. Of these claims, claims 1, 14 and 19 are independent claims. The other claims pending in the application depend from one of the independent claims.

A two-month extension of the time to respond, up to and including March 6, 2007 is filed concurrently herewith.

Interview

Applicants note with appreciation the in-person interview conducted among the Examiner, co-inventor Peter Chapman and the undersigned on February 16, 2007. More particularly, applicants note with appreciation the discussions between the Examiner and the applicants regarding the prior art cited, the rejections in the Official Action and discussions relating to the product samples applicants brought to the interview. Applicants respectfully submit that the amendments to the claims above and remarks below are consistent and in-line with the discussions that occurred during the interview.

Claim Amendments

Claim 1 has been amended to recite "a temperature sensor for measuring the internal temperature of the food being cooked having a probe and being connectable to said first hand-held unit."

Claim 14 has been amended by deleting recital of the phrase "or a timer selection" from the first element.

Claim 19 has been amended to recite "a second hand-held unit including . . . a visual display . . . ." Claim 19 has

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been further amended to improve its form by inserting a "-" between the prior recital of "handheld" in the claim.

Applicants respectfully submit that the foregoing amendments to the claims do not constitute the addition of new matter to the application. More particularly, support for the amendments may be found by reference to, for example, FIG. 1 and its accompanying description.

Further, applicants respectfully submit that the amendments to the claims are consistent with the discussions that occurred during the interview of February 16.

#### Claim Rejections over Prior Art

The claims were rejected in the Official Action under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,939,974 to Heagle ("Heagle") in combination with two or more other references (*Chung, May, Tymkewicz, Cooper, Archard and Holling*)<sup>1</sup>. Substantively, those rejections of the claims were identical to the rejections in the Official Action mailed January 12, 2006.

In responding to the January 12 Office Action, applicants pointed out in its Amendment filed July 12, 2006 that the May reference disclosed a desktop personal computer. (May, see FIG. 4 and its accompanying description.) Therefore, May does not disclose or suggest providing a portable computer or hand-held device. Therefore, May did not make-up for the deficiency in Heagle of not disclosing or suggesting a second hand-held unit or device. In discussing the prior art on February 16, the Examiner acknowledged that indeed May did not disclose a portable computer or a second hand-held device. Therefore, applicants respectfully submit that the pending rejections of the claims are moot. In that regard, applicants further

<sup>1</sup> Chung: U.S. DES 418,069; May: U.S. Patent 6,080,972; Tymkewicz: 6,000,845; Cooper: U.S. Patent 4,131,786; Archard: U.S. Patent 5,983,783; and Holling: U.S. Patent 5,378,874.

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respectfully submit that the claims are allowable over the art of record.

In the Official Action, the Examiner also rejected the claims on the grounds of non-statutory double patenting over claims 1-13 of U.S. Patent 6,568,848, which is the first non-provisional application to which the present application claims priority. As applicants filed a Terminal Disclaimer in the present application on June 23, 2005 over the '848 patent, applicants respectfully submit that the rejection under non-statutory double patenting grounds are now moot.

In view of the foregoing, applicants respectfully submit that the claims of the present application are allowable. In particular, the claimed invention is generally directed to a system that includes two hand-held units that allows an operator to remotely monitor the status of a food item as it is being cooked. (Specification, ¶ [0021].) A first hand-held unit is conveniently located adjacent to the food being cooked. (Id.) The first unit receives the internal temperature of the food being cooked from a temperature sensor to which it is connected. (Id., [0027].) The system further includes a microprocessor that allows the user to set a taste preference and choice preference. The system also includes a second unit that wirelessly communicates with the first unit. (Id., [0025].) The second unit advantageously allows a user to move away from the cooking location while the food is being cooked. (Id., [0009].) The claimed invention therefore solves a need not disclosed or suggested by the prior art in that the hand-held units allow for user mobility yet while allowing a particular food item to be cooked to the user's desired taste preference. None of the references cited, either singly or when combined, provide this advantage or teach or suggest the claimed combination. Therefore, as discussed during the interview, the

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references, when combined, do not render any of the pending claims obvious.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 23, 2007

Respectfully submitted,

By

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